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0 JUL -6 1974

SENATE

Senate Bill No. 464



INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The Constitution affirms the principle that the maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

Dereliction of duty by a public officer through abetting the escape of a prisoner, however, is both a circumvention and a negation of this Constitutional provision.

In view thereof, this bill seeks to amend Article 223 of the Revised Penal Code by imposing penalties on any public officer who, without proper court order or authorization, releases a prisoner and later allows him to return to his detention cell, or consents to or connives in the escape of a prisoner under his custody or charge.

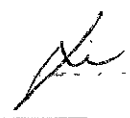
Approval of this bill is therefore earnestly requested.



JINGGOY EJERCITO ESTRADA
Senator

SENATE

Senate Bill No. 464



INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
PENALIZING PUBLIC OFFICERS FOR RELEASING PRISONERS IN ORDER
TO COMMIT A CRIME AND ALLOWING THEM TO RETURN TO PRISON,
AND FOR THIS PURPOSE AMENDING ARTICLE 223 OF THE REVISED
PENAL CODE OF THE PHILIPPINES

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. Article 223 of the Revised Penal Code is hereby amended to
read as follows:

“ART. 223. Conniving With or Consenting to Evasion. – Any public
officer who, WITHOUT COURT ORDER OR AUTHORIZATION, SHALL
RELEASE A PRISONER AND ALLOW HIM TO RETURN TO PRISON
OR DETENTION OR shall consent to the escape of a prisoner in his
custody or charge, shall be punished:

- (1) By prison correctional in its medium and maximum
periods and temporary special disqualifications in its
maximum period to perpetual special disqualification, if
the fugitive shall have been sentenced by final judgment
to any penalty.
- (2) By prison correctional in its [minimum] MAXIMUM period
and temporary special disqualification, in case the
fugitive shall not have been finally convicted but only held
as a detention prisoner for any crime or violation of law or
municipal ordinance.
- (3) BY PRISON MAYOR IN ITS MAXIMUM PERIOD AND
PERPETUAL ABSOLUTE DISQUALIFICATION IN CASE
THE PRISONER COMMITTED AN OFFENSE OUTSIDE
THE PRISON OR DETENTION CENTER.”

SEC. 2. Separability Clause - If any provision, or part hereof, is held
invalid or unconstitutional, the remainder of the law or the provision not otherwise
affected shall remain valid and subsisting.

SEC. 3. Repealing Clause - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 4. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,